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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4799 of 2020**

Rajendra Kumar Prajapati S/o Rameswar Prajapati Aged About 23 Years  
R/o Village Dharti para, Outpost Karanji, P. S. Vishrampur, Tahsil And District  
Surajpur Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station  
AJAK District Surajpur Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Jitendra Shrivastava, Advocate.  
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****15.01.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 22.6.2020 in M.Cr.C. No. 3760 of 2020. The applicant has been arrested in connection with Crime No.209 of 2019, registered at Police Station – AJAK, Surajpur, District – Surajpur, Chhattisgarh for the offence punishable under Sections 363 and 376, 34 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(1)(B) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.10.2019 and has been falsely implicated in this case. The

prosecutrix has been examined before the trial Court. She has not identified the applicant who was present in the Court and then, she has also made clear admission in her cross-examination that this applicant was not the person who has raped her, therefore, there is no case against this applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has stated in her examination-in-chief that this applicant was the person who had raped her, therefore, this statement is needed to be examined by the trial Court. Hence, no case is made out for grant of bail to the applicant.

4. Notice issued to the complainant/ informant has been returned served and one Shri S.D. Singh, Advocate has been engaged for the complainant by the High Court Legal Services Committee but there is no appearance or representation on his behalf.

5. Heard counsel for both the parties and perused the case diary.

6. The case of the prosecution case is that this applicant with the help of the co-accused persons abducted the minor prosecutrix and then had forceful sexual intercourse with her.

7. Considered the submissions and the facts of the case. The applicant is in jail since more than one year. On perusal of the copy of the deposition

of the prosecutrix, it is found that the submission made on behalf of the applicant counsel cannot be ignored, therefore, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge